



PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
8371-13

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV 316 038 761US) in an envelope addressed to: Mail Stop AF, "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)).
On October 12, 2006

Signature John C. FreemanTyped or printed Name John C. Freeman

In re Application of: Robert M. Setbacken et al.

Application Number **10/829,546** Filed April 22, 2004

For: POSITIONAL ENCODER ASSEMBLY

Art Unit **2878** Examiner
Monbleau, Davienne N.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **\$500.00**

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is \$ Reduced by half, and the resulting fee is :
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- attorney or agent of record.
Registration number 34,483.
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34.

Signature John C. Freeman

Typed or Printed Name

Telephone number **312-321-4200**Date October 12, 2006

- *Total of 3 forms are submitted.